



Funded by the
European Union



Disclaimer

Please note that this document is an unofficial translation and is provided for information purposes only. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in the Albanian language. EURALIUS makes no guarantee of accuracy and waives responsibility for the use that might be made of the following information.

DECISION

No. 1024, dated 16.12.2015

ON THE APPROVAL OF PROJECTS WITH “STRATEGIC POTENTIAL PROJECT” STATUS

Pursuant to Article 100 of the Constitution and letter “ç”, of point 3, Article 9, Law No. 55/2015, “On strategic investments in the Republic of Albania”, upon the proposal of the Minister of Economic Development, Tourism, Trade and Entrepreneurship, the Council of Ministers

DECIDED:

I. STATUS OF STRATEGIC POTENTIAL PROJECTS

1. Pursuant to the provisions of Law No. 55/2015, “On strategic investments in the Republic of Albania”, a “strategic potential project” is considered a potential investment project of public interest with a strategic impact on the development of the country, which is classified as such from the time when the initiative to develop the project is taken by the project’s promoter until the time when the status of “Strategic investment /investor” is obtained.
2. Projects obtaining the “strategic potential project” status are supported through the implementation of favorable, facilitating or accelerating administrative procedures, and provision of assistance and services to investors.
3. Projects with the “strategic potential project” status are approved by the Strategic Investment Committee after the procedures and preliminary assessments have been conducted by the Albanian Investment Development Agency.

Ministry of Justice,
Boulevard “Zogu I”
Tirana, Albania
Tel: +355 4 22 40 333
E-mail: info@euralius.eu
Web: www.euralius.eu



II. ADMINISTRATIVE PROCEDURES FOR OBTAINING THE “STRATEGIC POTENTIAL PROJECT” STATUS

1. The application for obtaining the “strategic potential project” status is the initial step of administrative procedures for the assessment of strategic investments. This status is proposed from the time of the initiative to draft the project and, if approved, lasts until the status of “Strategic investment/investor, assisted procedure” or “Strategic investment/investor, special procedure” is obtained.
2. The Strategic Investment Committee may decide, on a case-by-case basis, the maximum timeframe for the duration of the “strategic potential project” status in favor of the proposer as an incentive mechanism for closure of administrative procedures within a short time and avoidance of delays by the investor.
3. The project with the strategic potential status is proposed by the line ministers responsible for the project or by the investor who has proposed the project.
4. Line ministers, responsible for a project with strategic potential status, propose granting the status to those projects considered of public interest, proposed and organized by central or local government bodies, for which the legislation in force provides the performance of competitive, concessional, public partnership, public procurement procedures, through competitions, contests or public tenders.
5. In the cases provided in point 4 of this chapter, the “strategic potential project” status and the related assistance shall be provided in a transparent and non-discriminatory manner to all private, domestic and foreign legal persons who, in the capacity of the interested investment entities, participate in the competition, contest or tender announced by the state bodies, submit a request for obtaining the “strategic potential project” status and fulfill the legal conditions set out in this decision.
6. The interested investment entity, which results a winner at the end of the competitive procedures, in conformity with point 4 of this chapter, may further apply for obtaining the status of “Strategic investment/investor, assisted procedure” or “Strategic investment /investor, special procedure”.
7. In cases when the proposal for obtaining the “strategic potential project” status is presented by line ministers responsible for the project, then the request is forwarded to the Agency, which shall be accompanied by an explanatory note on the strategic importance of the project and shall contain a detailed description of the following elements:
 - a) Estimated total investment value;
 - b) Time required for the realization of the investment;
 - c) Productivity and added value that the investment will bring;
 - ç) Employment opportunities and job creation opportunities that are anticipated as a consequence of the investment;
 - d) Compatibility of the project with economic sectoral policies and priorities;

- dh) Opportunities for regional and local economic development represented by the investment;
- e) Opportunities to develop and improve the conditions and standards for the production of goods and the provision of services represented by the investment;
- ë) Innovative investment technologies that increase competitiveness and effectiveness;
- f) Increasing the overall level of security and quality of the life of citizens as a result of the investment implementation;
- g) Environmental and consumer protection guaranteed by the project.

8. In cases when the proposal for obtaining the “strategic potential project” status is submitted by the investor who has proposed the project, the request shall be accompanied by the investment business plan, which shall include the following information:

- a) The identity of the investor and his/her partners;
- b) A detailed description of the investment project;
- c) A detailed description of the works to be carried out and of the services to be provided under the investment project;
- ç) A detailed analysis of the timeframes that will be required in order to realize the investment project, and the stages of its realization;
- d) A description of investment characteristics that specifically refer to the development of new technologies and environmental protection;
- dh) The financial analysis of the entire investment project, and the analysis of the financial expenditures that will be required in order to carry out each phase of the project;
- e) A detailed analysis of the impact that the works and services of the project may have on the environment and in the urban plans;
- ë) A detailed analysis of the economic and social impact expected from the realization of the investment project;
- f) An analysis of the benefits of public interest anticipated for the Albanian state from the realization of the project.

9. The Agency shall register any request for obtaining the “strategic potential project” status in the Strategic Investment Register database and shall register any further change or procedural step.

10. The Agency is the competent administrative structure for providing services in a “unique window” for investors and strategic potential projects. To this end, the Agency organizes specific operational groups, which comprise experts from line ministries, areas where strategic investment is required, in order to assist and professionally support the follow-up of all procedures and the preparation of all acts of legal documents, with a view to the preparation, implementation, development and realization of a special strategic investment project.

11. The operational group established by the Agency, in the exercise of the duties determined according to this decision:

- a) establishes procedures for the preparation and implementation of any potential strategic project;
- b) performs all the necessary actions to assist and support the realization of projects;
- c) drafts the relevant list of project documents;
- d) prepares the measures and the action plan for the implementation of the project;
- d) makes the technical, financial and strategic assessment of the project, the strategic potential and the operational risk, and the action plan for project implementation.

12. If the Agency, in cooperation with the institutions/entities responsible for strategic investment, according to the areas of responsibility, ascertains that the documentation is incomplete, asks the proposer in writing to fill out all the required documents and data. The Agency has the right to ask the project proposer for additional information about the details of the project and its ability to successfully complete it. The project proposer must complete the documentation within a deadline of 10 working days from the day of receipt of the notice.

13. The Agency carries out all preparatory actions and provides the necessary services to the potential strategic project, including services for analysis, assessment, information coordination, land consolidation, and representation services of the investor to the public institutions/entities/authorities in relation to the preparation, implementation and realization of a strategic investment project.

14. For the conduct of evaluation of projects and strategic investors, the Agency has the right to ask for opinions from the Competition Authority, the relevant local government units or other agencies or institutions.

15. The Agency shall carry out the verification of the project documentation within a period of 30 working days from the date of submission of the full information file by the investor.

16. The Agency shall inform the Strategic Investment Committee of all the projects submitted, the procedures carried out, the analysis carried out and the recommendations drawn up by it. Regardless of the positive or negative assessment of the Agency, any application is submitted for review to the Strategic Investment Committee, accompanied by the positive or negative proposal of the Agency, and the approval of the ministry responsible for the economy in order to benefit from the “strategic potential project” status.

17. After reviewing the project and the final analysis submitted by the Agency, the Strategic Investment Committee shall make a decision on the acceptance or rejection of the request within a period of 30 working days from the date of submission of the proposal by the Agency.

18. If the Strategic Investment Committee finds that the documentation is incomplete or requires additional information, through the Albanian Investment Development Agency, asks the project proposer, only once, in writing, within 10 working days from the date of receipt of the file, filling out all the required documentation and data, listing the requirements specifically. The project proposer shall complete the documentation within 10 working days from the date of receipt of the notice. In these cases, the 30-day decision-making term shall be extended until the completion of the documentation and the final review by the Strategic Investment Committee.

III. LAST PROVISIONS

1. Upon obtaining the “strategic potential project” status, the investor has the right to benefit from further assistance from the Agency for obtaining the final status of “Strategic investment/investor, assisted procedure” or “Strategic investment/investor, special procedure”.

2. The investor and the competent bodies may sign a memorandum of understanding in the stage of expression of the preliminary interest and preparatory actions that develop the potential strategic project in conformity with the provisions of Article 15 of Law No. 55/2015, “On strategic investments in the Republic of Albania”. The memorandum of understanding includes the commitments of the parties for the implementation of the project, including on the one hand the services that the competent bodies will provide in favor of the strategic project and the commitments that the potential investor will undertake to prepare and implement the strategic investment project.

3. The Ministry of Economic Development, Tourism, Trade and Entrepreneurship, the Albanian Investment Development Agency and the ministries responsible for strategic investment projects shall be in charge of the implementation of this decision.

This decision shall enter into force after the publication in the Official Journal.

PRIME MINISTER
Edi Rama